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EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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2162

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/739,122

Applicant(s)

ANDREW LOUIS WOLF ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 19 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-18 and 20-28 is/are rejected.
- 7) ☐ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Raveis Jr. U.S. Patent No. 6,321,202.

1. Regarding claim 1, Raveis teaches a data storage means within the host system for maintaining databases containing a plurality of data records of different types and chronologies; computer processing within a host system for selecting data records and transmitting the selected data records to at least one remote communication facility according to selected criteria provided by one of the remote communications facility; a communication network to exchange data between the host and remote communications facility and an input-output means at the remote communication facility to enable for seller to sign up properties for inclusion as listing inventory data records in a database (see col. 9 line 65 to col. 11 line 10, line 52-67).

The claim cites the input-output means to enable at least one of. Since the claim cites alternative limitation, weight is not given to the remaining limitations. The prior art discloses at least one of the limitations.

2. Claims 3, 6, 7 depend on claim that cited alternative limitation. The claim depends on a limitation that has not been addressed by the Examiner. Therefore no weight is given to the cited limitations.

3. Regarding claim 4, Raveis teaches provides for seller to specify selection criteria for the data record and to display selected data records meeting the selection criteria (see col. 6 line 54 to col. 7 line 27, col. 9 line 65 to col. 10 line 63).

4. Regarding claim 5, Raveis teaches data exchange through the Internet and a web browser (see col. 5 lines 22-64).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis as applied to claim 1 above, and further in view of Official notice.

7. Regarding claim 2 and 10, Raveis teaches the database including a survey questions, survey responses etc. but he does not explicitly show the buyer indicating properties visited and buyer specifying evaluation of a property visited. However, official notice is taken that is old and well-known in the art of real estate to visit a place such as time sharing and vacation places and receive a coupon, which indicates visiting the

place, in order to receive discount. It would have been obvious to one of ordinary skill in the art to include in the survey question and responses of Raveis if the potential buyer visited the properties in order to be rewarded and whether he/she is interested in the property in order for the seller or the host to receive feedback from the potential buyer.

8. Regarding claim 8, Raveis does not specifically teach exchanging listing of inventory data record between a host and a third-party listing database. Official notice is taken that is old and well known in the art of Internet to provide service to a third-party. One would be motivated to use already existing service maintained by a third-party in order to save money.

9. Regarding claim 9, Raveis teaches receiving and storing data relating to buyers, however does not explicitly show the information to form a buyer profile. Official notice is taken that is old and well known to store user profile in the art of database. It would have been obvious to one of ordinary skill in the art to use the data collected by Raveis to create user profile, since the use of profile does not require the user to enter the data again, which saves time.

10. Regarding claim 11, Raveis does not explicitly show ranking the data using pricing and demographic data prior to transmitting the data to the remote communication facilities. Official notice is taken that is old and well known in the art of real state database to rank the real estate data using pricing and demographic data. It would have been obvious to one of ordinary skill in the art to display a range of listings ranked by price and demographic data in order to give the prospective buyer several options to choice from.

11. Claims 13-18, 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis, Jr. U.S. Patent No. 6,321,202 and further in view of "InterNest" as referenced by "Web site offers cash back on home deal" by Eric Benderoff, Company Press Release, "InterNest.com sells 100<sup>th</sup> home online" and "Busy Homebuyers shop for new homes, Internet-Style and get cash back" by Dena Amoruso.

12. Regarding claims 13-16, Raveis teaches performing real estate transaction and automatically determining commission to be paid to company and dollars to be paid to sales agents and other agencies and accounting facilitated by the system (see col. 13 line 1 to col. 14 line 7). Raveis does not explicitly teach payment by the host of a rebate to the buyer, it is disclosed in "InterNest" (see page 1 and of InterNest, Web site offers cash back on home deal). InterNest teaches the host acting as a real estate agent or brokerage and being paid by the seller and passing 1% back to the buyer. It would have been obvious to one of ordinary skill in the art to combine the teaching of Raveis's real estate transaction and InterNest's rebate to the buyer. One would be motivated to offer cash back the buyer after buying a property instead to an agent, since all the work is done by host and the buyer.

13. Regarding claims 17,18 and 20-25, Raveis teaches a host system for signing up seller to pay commission to the host; obtaining a listing of inventory of property to be sold; maintaining database at the host which contain data records of different types and chronologies; users remotely accessing via a communication network to specify selection criteria to search the database... (see col. 5 lines 21-64, col. 9 line 65 to col. 11 line 10 and line 52-67). Raveis teaches determining commission to be paid to

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companies and dollars to be paid to sales agents and other agencies and accounting facilitated by the system (see col. 10 lines 9-21 and col.13 line 1 to col. 14 line 7).

Raveis does not explicitly teach payment by the host of a rebate to the buyer, it is disclosed in "InterNest" (see page 1 and of InterNest, Web site offers cash back on home deal). InterNest teaches the host acting as a real estate agent or brokerage and being paid by the seller and passing 1% back to the buyer. InterNest, as disclosed by the applicant, generates and delivers a rebate coupon to remotely accessing user (see applicant's specification, page 7 lines 3-17). It would have been obvious to one of ordinary skill in the art to combine the teaching of Raveis's real estate transaction and InterNest's rebate to the buyer. One would be motivated to offer cash back to the buyer after buying a property, instead to an agent, since all the work is done by host and the buyer.

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis, Jr. U.S. Patent No. 6,321,202 and further in view of Witek et al. U.S. Patent No. 6,253,188.

15. Regarding claim 12, Raveis does not explicitly show the aggregation of selected records into a group for further processing actions, it is disclosed in Witek et al. (see col. 12 lines 10-48). It would have been obvious to one of ordinary skill in the art to combine the teaching of Raveis's management of real estate transaction and Witek's search method. One would be motivated to aggregate the selected record into a group for

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further processing action in order to accelerate and simplify the search of real estate, as taught by Witek's.

16. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis, Jr. U.S. Patent No. 6,321,202 in view of "Interneet" and further in view of Official notice.

17. Regarding claim 27, Raveis does not specifically teach exchanging listing of inventory data record between a host and a third-party listing database. Official notice is taken that is old and well known in the art of Internet to provide service to a third-party. One would be motivated to use already existing service maintained by a third-party in order to save money.

18. Regarding claim 28, Raveis teaches receiving and storing data relating to buyers, however does not explicitly show the information being used to form a buyer profile. Official notice is taken that is old and well known in the art of database to store user profile. It would have been obvious to one of ordinary skill in the art to use the data collected by Raveis to create user profile, since the use of profile does not require user to enter the data again, which saves time.

19. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis, Jr. U.S. Patent No. 6,321,202 in view of "Interneet" and further in view of Witek et al. U.S. Patent No. 6,253,188.

Regarding claim 26, Raveis does not explicitly show the aggregation of selected records into a group for further processing actions, it is disclosed in Witek et al. (see col. 12 lines 10-48). It would have been obvious to one of ordinary skill in the art to combine



the teaching of Raveis's management of real estate transaction and Witek's search method. One would be motivated to aggregate the selected record into a group for further processing action in order to accelerate and simplify the search of real estate, as taught by Witek's. Raveis teaches the database including a survey questions, survey responses etc. (see col. 7 lines 2-19 and col. 14 lines 8-12), but dose not explicitly show the host capturing an evaluation of toured property. It would have been obvious to one of ordinary skill in the art to include in the survey question and responses of Raveis in order to find out whether a potential buyer is interested in the property.

***Allowable Subject Matter***

20. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al. U.S.Patent No. 6,332,129, method and system for utilizing a psychographic questionnaire in a buyer-driven commerce system.

Kenner et al. U.S.Patent No. 6,181,867, video storage and retrieval system.

Tornetta, U.S.Patent No. 5,032,989, real estate search and location system and method.

Salmon et al. U.S. Patent No. 5,592,375, computer-assisted system for interactively brokering goods or services between buyers and sellers.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8496. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Yehdega Retta

February 5, 2002

  
ERIC W. STAMBER  
PRIMARY EXAMINER